IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 18930 OF 2007

Dated : September 6, 2007

Between:

The District Audit Officer,
State Audit, Adilabad

Petitioner

AND

K.Narender Reddy and two others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 18930 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking a writ of certiorari to call for the records relating to the order, dated 03.01.2007 passed in O.A. No.

6675 of 2006 by the Andhra Pradesh Administrative Tribunal, Hyderabad, and to quash the same being erroneous, illegal, unreasonable and arbitrary, the petitioner filed this writ petition.

The first respondent herein filed the above O.A. before the Tribunal seeking to confirm his fixation of pay in terms of GO Ms. 75 Finance and Planning dated 22.2.1994 and for the release of all pensionary benefits pursuant to such pay fixation and to declare the proceedings of the first respondent in GPO.PR/MP-ADB-00069 dated 19.4.2006, by which an amount of Rs.47,720/- is sought to be recovered towards excess paid for the period from 1.3.1994 to 28.2.2006, being contrary and illegal.

Few facts, that are necessary for disposal of this writ petition, are that the first respondent was appointed as Lower Divisional Clerk in October, 1967 and was awarded Selection Grade Scale with effect from 1.4.1981 under Automatic Advancement Scheme in terms of GO Ms. No. 117 Finance and Planning (FW.PRC.I) Department dated 25.5.1981. On completion of 15 years of incremental service, the first respondent was awarded Special Promotion Post Scale – I with effect from 12.10.1982. Subsequently, the petitioner was promoted as Senior Assistant with effect from 11.02.1986.

While so, the petitioner made representation to the

first respondent for rectification of the anomaly in the pay scale with that of his junior Mr. L.Narayana, Junior Assistant, in Special Promotion Post Scale II and consequently, the 2nd respondent considered the said representation and stepped up the pay of the 1st respondent from Rs.3420/- to Rs.3530/-, which is sought to cancelled.

Aggrieved thereby, the petitioner herein filed the above O.A. contending that his pay fixations was made in the light of instructions contained in GO Ms. No. 75 dated 22.2.1994, which has been audited by the Local Fund Auditors from time to time till the date of retirement and no objection was raised at any point of time.

The Tribunal placed reliance on a similar case in OA No. 7388 of 1999 wherein it was conceded that the SPP Scale II in the cadre of Junior Assistant and award of Special Grade post scale in the Senior Assistant on completion of ten years in the cadre of Senior Assistant is correct as per the orders in GO Ms. No.117 F & P dated 25.5.1981. The Tribunal further observed that this court in WP No. 11437 of 2004, has held that when the respondents themselves have fully conceded the case of the petitioner therein and held that the pay fixation given to the petitioner is in order and in accordance with the Government orders, a direction was given to the respondents therein to release all the pensionary benefits

due to the petitioner as per pay fixation.

In the instant case also, the pay fixation of the petitioner was done from time to time and it was audited by the Audit Officials regularly and at point of time any objection was raised for any wrong fixation, muchless for recovery from the pay. The Tribunal having considered the issue at length, has rightly allowed the O.A. with all consequential benefits. No ground is made out in this writ petition to interfere with the order of the Tribunal.

Consequently, we do not see any justifiable ground to interfere with the impugned order. The Writ Petition fails and is accordingly dismissed at the stage of admission. No order as to cost.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

September 6, 2007
MAS